



## SUBMISSION STATEMENT

in respect of

**Flintshire LDP (2015 to 2030) Examination**

on behalf of

Castle Green Homes & [REDACTED] (ID 1235341)

**Matter 7**

April 2021

**This representation is submitted on behalf of Castle Green Homes and N & P Jones.**

Castle Green are (at the time of this submission) on the cusp of signing an option agreement with the (single entity) owners of the land [REDACTED]

The site extends to include a single parcel of greenfield land that benefits from direct access off Well Street, Buckley as illustrated on the plan below.



It is located in a highly sustainable and accessible position directly adjacent to the Buckley settlement boundary and would offer an ideal residential extension being within easy walking distance of existing services and facilities.

The land to the north west was identified for release in the UDP for 162 units (ref. HSG1(3)) but never came forward. It has been “rolled forward” as a draft LDP allocation (HN1.1) for 159 dwellings. A pre-application consultation was submitted by CAHA in July 202 for 150 units.

Castle Green consider that both sites can come forward and indeed there would be highway access benefits in considering such an approach.

But it must also be noted that there is still no guarantee the Well Street West site will be delivered and that this site (Well Street East) must be considered favourably given its advanced position.

The promoters have investigated all technical aspects (highways, drainage, contamination, air quality, agricultural (it's Grade 3b), trees and ecology).

There is nothing to prevent this site from coming forward and it offers a natural and logical release and development extension to Buckley a Tier 1 settlement.

Highway access is available off Well Street.

It comprises an area extending to 12 ha and is considered to be capable of delivering up to 270 units – illustrated by the layout plan below and the accompanying **Vision Prospectus document dated March 2021** that is appended to this representation.



In the absence of any other reasonable alternatives this site offers a suitable candidacy for housing growth, all things considered.

**We would invite the Inspector to consider (under the power vested in them and as guided by Para 6.58 of DPM3) to recommend this site be included as a new / alternative site. This is endorsed by the opportunity to identify new sites under Para 3.75 as part of any MACs process.**

## **Matter 7: Provision of Sustainable Housing Sites (incl. housing requirement) (STR11)**

### **Key Issue:**

**Is the amount of housing provision set out in the LDP realistic and appropriate and is it founded on a robust and credible evidence base? Will it achieve the relevant objectives of the LDP in a sustainable manner consistent with national policy?**

In summary, insufficient sites are identified and those that have been identified as draft allocations are far from being entirely credible or convincing in deliverability terms.

The housing trajectory needs certainty (not just through allocations but also the considered need for safeguarded land, alternatives and reserve sites) to provide for sustainable placemaking. The current trajectory fails to do this.

We also believe that sites of up to 100 units will take around 3 to 4 years to complete; larger sites will take a lot longer.

However, what is even more prescient is the fact that even with a draft allocation there is no guarantee permission will be forthcoming. Yes, it should and ought to make life easier for applicants but it would be a mistake to assume that the planning and democratic decision-making system will be “plain sailing”.

On average, we would estimate that from a standing start almost any site will take a minimum of 3 years to achieve planning and another year to then start producing units ready for occupation.

As such, the draft delivery trajectory is immediately flawed as it assumes that all sites are aligned, primed and ready to deliver by no later than 2023. A few might start delivering by then, but most will not and this immediately places the existing trajectory under pressure where there is a reliance upon the final few years of plan period. This places Flintshire under immense pressure and risks another “UDP scenario” of under-delivery.

**Please refer to J10 POLICY FRAMEWORK Conformity and Consistency Checklist and the J10 SOUNDNESS Checklist for more detail**

**Our answers below must also refer to the J10 Housing Table provided after the answers.**

**a) Is the housing requirement, based as it is on economic and job aspirations, realistic and deliverable within the plan period? How does the amount of housing proposed relate to the most recent Welsh Government household projections? Has the UDP under-delivery been accounted for in the LDP housing requirement figure? If not, should it be?**

The housing requirement is not realistic or deliverable.

The UDP under-delivery has not been accounted for and a non-delivery allowance of 37% must be applied to reflect the amount of housing not delivered by the UDP during its plan period.

b) Although neighbouring counties each provide for their own housing needs, does the differential in prices, particularly between England and Wales, lead to any cross-border demand for housing? If so, has this been accounted for?

The fact that affordable levels are much lower in neighbouring counties (England and Wales) will risk placing Flintshire at risk of being uncompetitive not just in the housing market but the employment market. It is already experiencing very high levels of daily in-commuting levels and this must be addressed to make the County more sustainable.

Housing and employment must dovetail with an uplift in housing provision to ensure that we have a growing labour-force ready and able to take up these new job opportunities and to reduce unsustainable commuting patterns.

c) The 14.4% flexibility allowance is slightly greater than average. On what basis has that percentage been selected?

The 14.4% represents exactly 1,000 units. It is, however, close to the 15% recommended by the Arcadis UCS Study; there is, however, no scientific explanation/evidence as to what methodology has been used to arrive at this figure/rate.

FCC have revised their Deposit draft STR11 Housing Table in Paper FCC002 (Feb 2021) and believe that their flexibility allowance to be 18.1%

It would appear that the figures arrived at (14.4% or 18.1%) simply equate to the “assumed” over allocation Officers believe exist once all allocations are factored in.

We do not dispute there being a need for a flexibility allowance and consider that as DPM3 states the starting point must be 10% and based on evidence.

However, we do dispute where it is levied in the table.

Moreover, we consider that the bigger problem here is the fact the Housing Requirement figure has failed to accommodate a Non-Delivery Allowance (NDA) which is something entirely different to a Flexibility Allowance (FA) - as clearly expressed by Para 5.62 in DPM3 - this is a significant error that cannot be dismissed, but it has been ignored by FCC.

d) Is the housing requirement over reliant on the provision of dwellings on windfall and small sites?

There is an over-reliance upon windfall.

The Council is relying upon high levels of windfall (600 no. small and 480 no. large : totalling 1,080 units) to deliver 15% of its housing requirement. This is above the more modest 10% level generally accepted in other LDP's.

The whole purpose of having an adopted plan is to ensure growth and delivery is located in a managed manner, in the right location, able to meet sustainability and placemaking criterion and able to reflect infrastructure provision.

If larger windfalls are known then they should be allocated and not assumed (as has been assumed by FCC from its UCS study) to be deliverable and indeed viable.

The Council have been reliant upon windfall growth in the past due to the failure of its UDP allocations not delivering. A similar pattern cannot be repeated as this will once again result in under-delivery and a reliance upon unplanned and unsustainable growth.

e) Do rates of housing delivery over recent years indicate that the housing requirement firstly, could, or secondly, should, be increased?

The past delivery rates have been reliant upon windfall sites and a UDP that identified a host of sites which were doomed to fail; this led to significant (37%) under-delivery.

The UDP was adopted in September 2011 (following a Sept 2009 Inspectors Report) and covered a plan period of 2000 to 2015 where it sought to deliver 7,400 dwellings. However, over the plan period it delivered just 4,645 units resulting in a shortfall under delivery of 2,755 units (37% of its total requirement). There is no mention (or apology) for this failure and the eLDP makes no attempt to address this backlog and has summarily ignored it by “wiping the slate clean”.

The housing requirement in the LDP relies upon rolling forward UDP allocations (sites that never delivered and are still questionable), commitments (many of which won't deliver), windfalls (which, if deliverable should be allocated, but in any event are too high) and draft allocation sites (that have not all proven viability or deliverability credentials and indeed many of which run contrary to plan-making guidance and sustainability criteria).

As a result, the LDP is fatally flawed and set up to fail. The only way to arrest this is to increase the housing requirement.

First of all any housing target in the LDP should be expressed as a “minimum” target.

FCC have failed to recognise that in arriving at their “new” housing requirement they must consider Para 5.62 in DPM3 which states that “the flexibility allowance is different from a non-delivery allowance”. FCC should therefore identify an NDA.

We would recommend that the NDA ought to reflect the under-delivery rate of the UDP; in other words a 37% contingency should be applied.

f) Should committed sites be allocated? If not, what will happen to such sites if planning permissions lapse?

Commitments could be allocated, but the fact is that they need to be one thing or the other (clearly not both). If allowed as a commitment the site must be proven to be deliverable and we find no evidence to suggest they will come forward. Indeed, in our experience elsewhere is that, at best, maybe 75% of commitments actually get delivered before their expiry date.

If allocated they would need to pass the viability and deliverability tests, yet we are not aware that this would be possible for many.

The fact is that out of the 1,221 commitments we must assume only 916 (at best) will deliver in this plan period. There is an over-dependence upon the commitments.

If potential sites are known, then they ought to be allocated; especially in order to provide greater certainty over affordable housing delivery, links to planned infrastructure and overall sustainable growth.

In particular, we are concerned that (out of the 1,994 existing commitments) we would question the following 223 units:

- *Wilcox Works, Afonwen (19 units) : PP granted 16 Nov 2018 : no start*
- *Nant y Gro, East of Granant Hill (41 units) : PP granted 3 Aug 2019=8 : no start*
- *East of Halkyn Road, Halkyn (41 units) : WWHA not started*
- *Bromfield Timber Yard, Mold (122 units) : no start*

g) Is it likely that all the committed sites identified as contributing to the housing requirement (LDP Appendix 1), and allocations which are carried over as such from the UDP, will be delivered during the plan period? What is the evidence?

There is no guarantee that committed sites will all deliver (see above answer) where we recommend a non-delivery rate.

There is no evidence of delivery for the UDP sites (STR3A Northern Gateway, STR3B Warren Hall, HN1(1) Well Street, Buckley or HN1(3) Highmere Drive, Connah's Quay.

The material provided by the Council/promoters (e.g. SoCG's) provide no credible delivery evidence and these sites should either not be allocated and/or not assumed to deliver.

h) How does the LDP avoid the issue of double counting in respect of large windfall sites?

It isn't entirely clear that double counting is avoided. The UCS identifies a number of sites that are commitments and has included them in the calculation.

i) What will be the implications for the delivery of the housing requirement of the comparatively short plan period remaining at adoption?

A significant strain upon meeting the housing trajectory and its AABR will result.

The UDP experience of under-delivery by 37% is testament to the fact that FCC have a poor track record in delivering.

Moreover, this will be further challenged by the dependence upon relatively few developers who between them control a substantial number of the draft allocation sites.

For instance, there is a significant over-reliance upon just two developers for 30% of the total allocations (sic. Anwyl Homes – HN1.4, HN1.6, HN1.7 and HN1.8 – 1,002 units) which means that 4 of the 11 non-strategic allocations are in the hands of a single entity who, over a remaining 9-year plan period might struggle to deliver them all. This represents a potentially dangerous over-exposure and reliance upon a single developer and a risk to the delivery trajectory not performing.

j) Is the wording of Policy STR11 appropriate, particularly the use of the word 'expected' and the inclusion of the final paragraph?

No it isn't.

## J10 Housing Table

ITEM	FCC FIGURES	J10 COMMENT	J10 FIGURES
Assumed Requirement	6,950 is assumed	<b>Disputed</b> : should be significantly greater to reflect over-reliance upon in-migration and jobs ambition results in mismatch between employment and housing growth  Also figure must be expressed as a "minimum"	MIN. of 6,950 <i>(greater still if other indices are applied)</i>
Non-Delivery Allowance	0	<b>FCC Error</b> : the UDP failed to deliver 2,755 units representing 37% under-delivery  NDA must be applied to reflect DPM3 Table 18 guidance	2,571 added
<b>Balance Requirement</b>	<b>6,950</b> is assumed		<b>MIN. of 9,521</b>
Flexibility Allowance	0 (as FCC do not apply Flexibility Allowance here)	<b>FCC Error</b> : the Flexibility Allowance should be applied here as recommended by DPM3 (paras 5.58-5.59 and Table 18) on total requirement  The Arcadis UCS study recommends 15%  DPM3 recommends 10% starting point for FA	695 added
<b>Balance Requirement</b>	<b>6,950</b> is assumed		<b>MIN. of 10,216</b>
Housing Completions (5 years : 2015/16 to 2019/20)	2,609 deducted	<b>Undisputed</b>	2,609 deducted
<b>Balance Requirement</b>	<b>4,341</b> is assumed	<b>FCC Error</b> : should be 5,431 because Flexibility Allowance must be applied earlier on total	<b>MIN. of 7,607</b>
Commitments (sites with PP at 1 April 2020)	1,221 deducted	<b>Disputed</b> : only 75% of these (at best) will come forward	916 deducted
<b>Balance Requirement</b>	<b>3,120</b>		<b>MIN. of 6,691</b>
Windfalls (<10 units)	600	<b>Undisputed</b>	600
Windfalls (>10 units)	480	<b>Disputed</b> : if deliverable then these should be allocated and their deliverability proven; otherwise removed	0



<b>Balance Requirement</b>	<b>2,040</b>	<b>Disputed : see above calculations</b>	<b>MIN. of 6,091</b>
STR3A : Northern Gateway	1,185	<b>Disputed</b> : UDP rollover : lower rates will be achieved, due to lead in times	650
STR3B : Warren Hall	300	<b>Disputed</b> : UDP rollover : inconsistent with PPW11 and NDP	0
HN1.1 : Well Street West, Buckley	159	<b>Refer to Matter 12 session</b>	159
HN1.2 : Broad Oak Holding, Mold Road, Connah's Quay	32		32
HN1.3 : Highmere Drive, Connah's Quay	150	<b>Refer to Matter 12 session</b>	150
HN1.4 : Northop Road, Flint	170	<b>Refer to Matter 12 session</b>	170
HN1.5 : Maes Gwern, Mold	160		160
HN1.6 : Denbigh Road/Gwernaffield Road, Mold	246	<b>Refer to Matter 12 session</b>	246
HN1.7 : Holywell Road/Green Lane, Ewloe	298	<b>Refer to Matter 12 session</b>	298
HN1.8 : Ash Lane, Hawarden	288	<b>Refer to Matter 12 session</b>	288
HN1.9 : Wrexham Road, HCAC	80		80
HN1.10 : Cae Isa, New Brighton	105	<b>Refer to Matter 12 session</b>	105
HN1.11 : Chester Road, Penymynydd	181		186
Strategic Allocations	1,485	<b>Disputed : refer to Matter 2 session</b>	650
Non-Strategic Allocations	1,868	<b>Disputed : refer to Matter 12 session</b>	1,868 (Matter 12 session will consider these further)
<b>Total Allocations</b>	<b>3,354</b>	<b>Disputed</b>	<b>MIN. of 2,518</b>
<b>Over/ Under Allocation</b>	<b>1,314 over allocation</b>	<b>Disputed : FCC claim this is a 18.8% flexibility allowance, but the FA should be applied earlier</b>	<b>MIN. of 3,573 under allocation</b>  N.B. this figure will increase in light of Matter 12 session should housing sites be found to be undeliverable and not reflect National Policy

**This shows that FCC need to allocate an additional 3,573 units**

## PLANNING POLICY FRAMEWORK ASSESSMENT

The following checklist table provides our assessment of National Planning Policy comprising PPW11 (February 2021) along with the procedural guidance published by WG (DPM3 – March 2020).

We have found that the eLDP has failed to follow DPM3 guidance and fails to reflect the policies of PPW11, to such an extent that when one considers the tests of soundness you arrive at no other conclusion than to find this plan unsound.

PLANNING POLICY FRAMEWORK : Conformity and Consistency Checklist		
DEVELOPMENT PLAN MANUAL (DPM3)	What the policy document says	J10 Comment
<p>Para 5.49 regarding the relationship between jobs and homes</p> <p>Para 5.50</p>	<p><i>What is the relationship between the number of jobs generated and the economically active element of the projected population? Will a population provide sufficient homes so as not to import labour and hence increase in-commuting? .....</i></p> <p><i>This is a symbiotic relationship; it is important to evidence how the assumptions underpinning forecasting for jobs and homes broadly align, to reduce the need for commuting.</i></p>	<p>There is a clear disconnect between the two in the eLDP and the ambition of reducing in-commuting has not been addressed.</p>
<p>Para 5.62 regarding components of housing supply</p>	<p><b>Land Bank Commitments</b> - <i>To be clear, a land bank non-delivery allowance is separate to the flexibility allowance (i.e. 10%) which is applied to the plan as a whole.</i></p> <p><i>Understanding the proportion of sites that did not come forward in the past can be a useful tool in this respect. Sites can be discounted individually, or applied as a percentage across the overall land bank. The latter is the simplest approach. Non-delivery allowances have ranged from 20-50% to date, dependent on local circumstances.</i></p>	<p>The flexibility allowance is different from a non-delivery allowance and FCC must identify an NDA of 37% to address past UDP failed delivery rates, but also identify a suitable FA to reflect their own evidence base (Arcadis UCS study suggests 15%)</p>
<p>Para 5.62 regarding components of housing supply</p>	<p><b>New housing allocations</b> - <i>These should come forward through the candidate site process. They will need to be supported by robust evidence on delivery, phasing, infrastructure requirements and viability. Allocations should comply with the National Sustainable Placemaking Outcomes, the Gateway Test applied to the site search sequence and the Sustainable Transport Hierarchy (PPW)</i></p>	<p>The evidence for site allocation delivery, as already intimated, is less than robust/convincing and has ignored sustainable placemaking and sustainable transport.</p>
<p>Para 5.62 regarding components of housing supply</p>	<p><b>Rolling forward allocations</b> - <i>Allocations rolled forward from a previous plan will require careful justification for inclusion in a revised plan, aligning with PPW. There will need to be a substantial</i></p>	<p>The eLDP has rolled forward failed UDP allocations without any substantial changes in circumstance; some</p>

	<i>change in circumstances to demonstrate sites can be delivered and justify being included again. Clear evidence will be required that such sites can be delivered. The sites should be subject to the same candidate site process requirements as new sites i.e. they must be demonstrated to be sustainable and deliverable.</i>	cannot be considered as being sustainable (e.g. STR3B), whilst others (e.g. HN1.1) has not proven delivery or viability.
Para 5.62 regarding components of housing supply  (replicated in Para 5.76 regarding economic components)	<b>Key Sites</b> – <i>Sites key to the delivery of the plan will require greater evidence to support their delivery including schematic frameworks, phasing details, key transport corridors, critical access requirements, design parameters (in order to support SPG/Development Briefs/Master plans), s106 requirements, infrastructure and costs. Requirements essential to deliver these key sites should be elevated into the policy, supported by a schematic framework.</i>	The bar is set higher for the STR3A and STR3B sites, yet neither the evidence nor policy has followed this guidance
Para 5.62 regarding components of housing supply	<b>Viability appraisals</b> - <i>Viability appraisals should be prepared by the LPA in conjunction with developers and site promoters for key sites prior to their allocation. SoCG will be prepared to show where there is agreement/disagreement.</i>	For all (non-strategic) allocations this level of information should be provided, but it has not been followed.
Para 5.74 regarding flexibility allowance	<i>The level of flexibility will be for each LPA to determine based on local issues; the starting point for such considerations could be 10% flexibility with any variation robustly evidenced.</i>	10% FA should be minimum and evidence must be provided
<b>PPW11</b>	<b>What the policy document says</b>	<b>J10 Comment</b>
Para 4.2.10 : deliverability, trajectory and flexibility allowance	<i>The supply of land to meet the housing requirement proposed in a development plan must be deliverable. To achieve this, development plans must include a supply of land which delivers the identified housing requirement figure and makes a locally appropriate additional flexibility allowance for sites not coming forward during the plan period. The ability to deliver requirements must be demonstrated through a housing trajectory. The trajectory should be prepared as part of the development plan process and form part of the plan. The trajectory will illustrate the expected rate of housing delivery for both market and affordable housing for the plan period. To be ‘deliverable’, sites must be free, or readily freed, from planning, physical and ownership constraints and be economically viable at the point in the</i>	Few of the housing allocation sites have proven deliverability.  Affordable tenure trajectory is unclear as it is not defined.

	<i>trajectory when they are due to come forward for development, in order to support the creation of sustainable communities.</i>	
Para 4.1.18 : housing led regeneration sites	<i>Housing led regeneration sites can sometimes be difficult to deliver, making timescales for development hard to specify. Where deliverability is considered to be an issue, planning authorities should consider excluding such sites from their housing supply so that achieving their development plan housing requirement is not dependent on their delivery. This approach requires planning authorities to put in place a strategy to support the delivery of these sites. The criteria for identifying housing led regeneration sites can include demonstrating the sites have high credentials in terms of sustainable development and placemaking, such as being aligned to transport hubs or addressing contamination or industrial legacy; proven need and demand for housing in that area; and that the proposed intervention is the best means of addressing a site's contamination and constraints.</i>	STR3A should be excluded due to its clear deliverability constraints.  As for STR3B this is not a regeneration site but masquerades to be one whereas in actual fact is it a greenfield site in a wholly unsustainable location involving a new settlement.

## SOUNDNESS ASSESSMENT

The following checklist table provides our assessment on the soundness of the LDP following the Par 6.26 (Table 27) tests of soundness approach set out in DPM3.

We find that the eLDP must, in its current state with its associated evidence base, be found to be unsound. The Inspector is invited to concur with this and recommend FCC withdraw their plan.

The only potential way of avoiding this is for FCC to agree with our overall findings, particularly in respect of the way they have approached BMV, Green Barrier, reasonable alternatives and increasing housing land supply, and identify the sites we have identified at Mold, Buckley and Broughton.

SOUNDNESS TEST : Checklist	J10 Response
<b>TEST 1 : Does the plan fit ? (is it clear that the LDP is consistent with other plans?)</b>	
Does it have regard to national policy PPW / NDF and in general conformity with the NDP?	No
Does it have regard to the Well-being Goals?	No comment
Does it have regard the Welsh National Marine Plan?	No comment
Does it have regard to the relevant Area Statement?	No comment
Is the plan in general conformity with the NDP?	No
Is the plan in general conformity with relevant SDP?	Not yet applicable
Is it consistent with regional plans, strategies and utility provider programmes?	No
Is it compatible with the plans of neighbouring LPA's?	No
Has the LPA demonstrated it has exhausted all opportunities for joint working and collaboration on both plan preparation and the evidence base?	No
<b>TEST 2 : Is the Plan Appropriate ? (is the plan appropriate for the area in the light of the evidence ?)</b>	
Is it locally specific?	No comment
Does it address the key issues?	No
Is it supported by robust, proportionate and credible evidence?	No
Can the rationale behind the plan's policies be demonstrated?	No
Does it seek to meet assessed needs and contribute to the achievement of sustainable development?	No
Are the vision and strategy positive and sufficiently aspirational?	No
Have the 'real' alternatives been properly considered?	No
Is it logical, reasonable and balanced?	No
Is it coherent and consistent?	No
Is it clear and focused?	No
<b>TEST 3 : Will it Deliver ? (is it likely to be effective?)</b>	
Will it be effective?	No
Can it be implemented?	No
Is there support from the relevant infrastructure providers both financially and in terms of meeting relevant timescales?	No
Will development be viable?	No
Can the sites allocated be delivered?	No
Is the plan sufficiently flexible? Are there appropriate contingency provisions?	No
Is it monitored effectively?	No comment

